

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SANDAWANA HOLDINGS LTD.,

Plaintiff,

-against-

HENRY DUNAY,

Defendant.

ORDER

11 Civ. 2712 (AKH)

USDC SDNY
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ALVIN K. HELLERSTEIN, U.S.D.J.:

Defendant has moved for vacatur of the Court's August 19, 2011 and November 21, 2011 Orders and for dismissal of this action or, in the alternative, for a stay pending appeal.

Defendant argues that the Court lacks subject matter jurisdiction. The Court has jurisdiction for trademark infringement actions pursuant to 28 U.S.C. § 1338. The Court's retention of jurisdiction for enforcement of the August 16, 2011 Consent Order pursuant to the Consent Order's terms is likewise proper. In re Am. Express Fin. Advisors Sec. Litig., 2011 WL 5222784, at *15 (2d Cir. Nov. 3, 2011).

Defendant also argues that the Court should vacate its November 21, 2011 Order pursuant to Fed. R. Civ. P. 60. The Court hereby modifies its November 21, 2011 Order such that Defendant may retain his Facebook, Twitter and email accounts provided he refrains from using such accounts to engage in jewelry-related commercial activity.

Defendant's request for a stay pending appeal is denied as no grounds for a stay have been shown.

The Clerk shall mark the motion (Doc. No. 39) terminated.

SO ORDERED.

Dated: December 14, 2011
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge